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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,541	03/11/2004	Michael J. Gray	8135	6481

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EXAMINER

MICHALSKI, SEAN M

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/798,541	Applicant(s) GRAY ET AL.	
	Examiner Sean M. Michalski	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>NPL</u> |

DETAILED ACTION

Status

An appeals conference was held on 4/ 11/2007, and conferees Supervisory Primary Examiner Boyer Ashley and Supervisory Primary Examiner Derris Banks agreed that the Examiners rejections were correct and sustainable on appeal, however in order to ensure that the claims as written do not issue, the Examiner determined that the case should be re-opened to allow the presentation of numerous additional rejections, and to gather the information necessary to make all patentability determinations with regards to the case. As Such, the **finality of the previous office action is hereby withdrawn.**

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

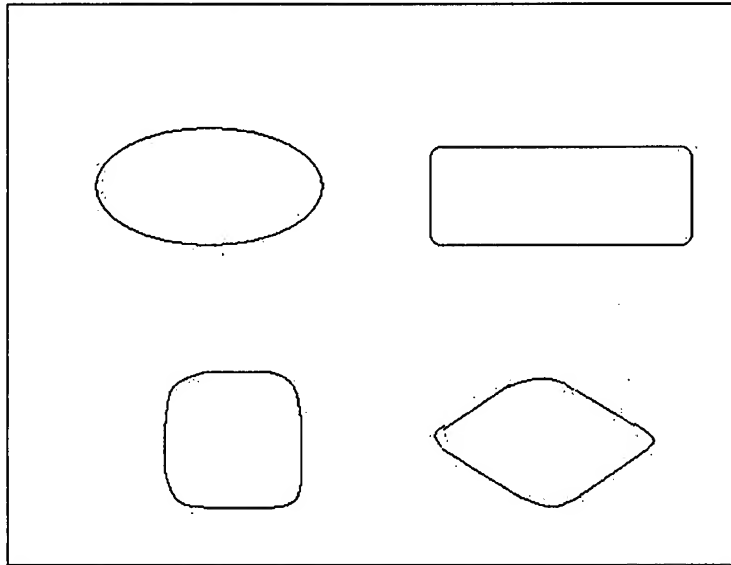
1. Claims 2, 3, and 5-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

- a. The terms "a first end" (claim 2 line 7; claim 3 line 7), "said first end" (claim 2 line 8, claim 3 line 8, claim 5 lines 1 and 2, claim 6 lines 1 and 2, claim 13 lines 1 and 2) and "the first end" (claim 15 line 2) are indefinite. The pad is (from the figures) located *near* the terminus, but not actually on the terminus of the handle, whereas the cartridge housing does connect at the actual terminus. Likewise in claim 3, the two portions do not join at the first terminus, they join adjacent the first terminus as seen in the figures. This divergent meaning (terminus versus

near-terminus) reflected in the claim is indefinite. Additionally, the definition applicant is attempting to use for the word end ('near the terminus' or 'near the terminal point plane or line' "near the termination") is indefinite in and of itself, since one of ordinary skill in the art would not know whether a button lying at 5%, 10% or 20% constituted being "at a first end". Using the plain meaning 'near the terminus' renders the claim indefinite since it fails to provide notice to one of ordinary skill in the art what would infringe the claim as so construed.

b. The term "pad" (claim 2 line 8; claim 5 line 1) is indefinite, since claim 7 provides additionally that the pad be "elastomeric". The term "pad" itself implies elastomeric and so the definitions being applied to the claim are not clear in the context of the full disclosure. Either "pad" means something not implying elastomeric (which needs to be set forth by applicant since it is contrary to the common meaning) or elastomeric means something other than the common meaning. In either case the current disclosure does not reasonably disclose the meaning of the term "pad".

c. The term "generally oval" is indefinite since there is no consistent interpretation of the claim language that would be clear to one of ordinary skill in the art. One of ordinary skill in the art would not be apprised of what would infringe something that is 'generally oval'. Examiner is concerned that the following shapes may or may not be considered 'generally oval':



The ambiguity of the term 'generally oval' renders claim 14 indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

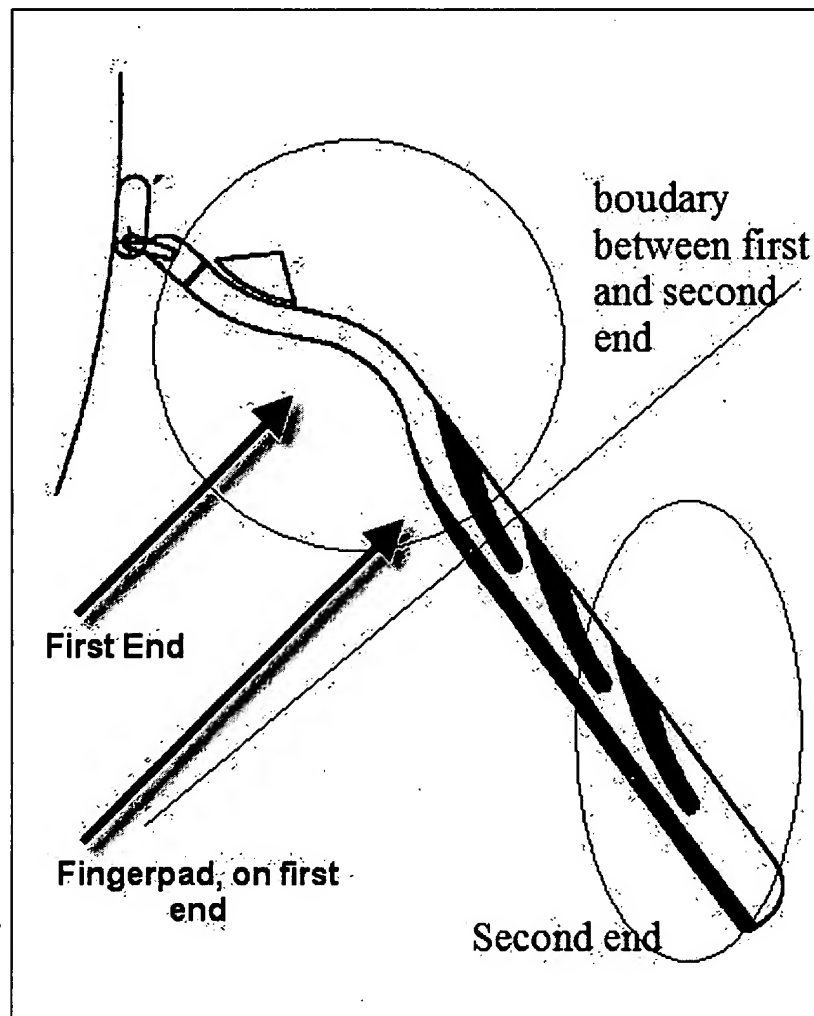
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2, 9/2, 12/2, 13/2 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rozenkranc (USPN 6,276,061).

Regarding claim 2, Rosenkranc discloses a shaving razor (figure 2) with a housing (2 figure 1) having a primary guard (6, and the area thereby, figure1) a primary cap (5 figure 1) . Rosenkranc further discloses primary razor blades located between the cap and guard. Rosenkranc further discloses a trimming blade (4 figure 1) mounted at the back of the housing (as seen in figure 1) , and having it's cutting edge oriented

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away from said upper surface (seen in figure 1). Rosenkranc further discloses an elongate handle (1 figure 2) having a curve at the first end concave on the same side as primary blades (figure 2). Rosenkranc further discloses a finger pad at said first end, on the same side as said primary blades (see figure below). This interpretation is consistent with the broadest reasonable interpretation standard which must be applied to all claim language.



Regarding claim 9/2, Rozenkranc further discloses that there be three primary blades.

Regarding claim 12/2, Rozenkranc further discloses that the housing is pivotably connected to the handle by a connection that has an at rest stop position to prevent pivoting of said housing when said trimming blade is cutting hair (column 1 lines 63-67, continuing to column 2 line 1).

Regarding claim 13/2, there is clearly a curve at said first end which is concave on the same side as the primary blades. See above.

Regarding claim 14, the finger pad of Rozenkranc is generally oval in shape. It appears to be generally oval in the figure. Alternatively, see the 103(a) rejection of claim 14 below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

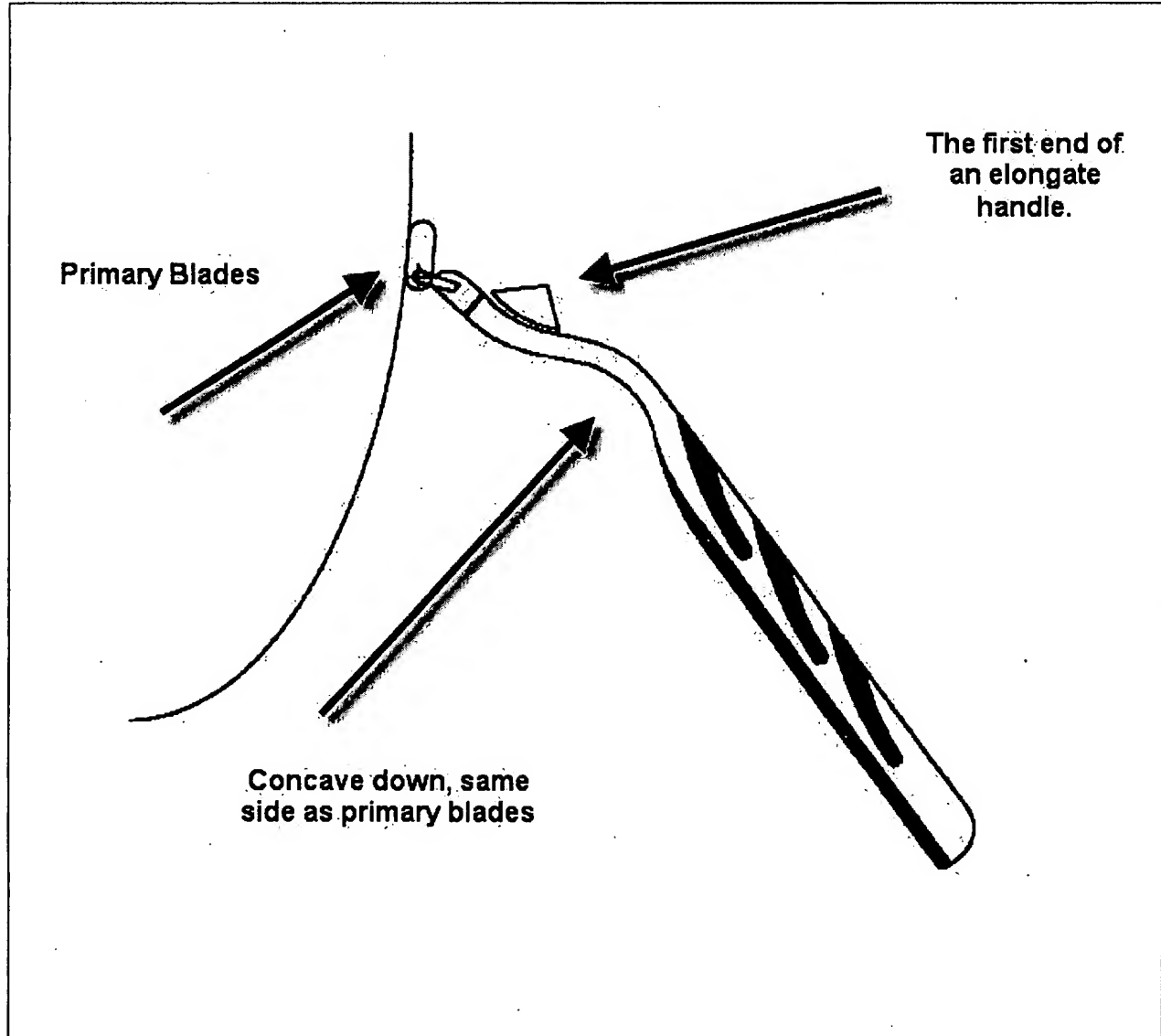
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 5, 6, 9/3, 12/3, 13/3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Gilder (USPN 5,533,263).

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Regarding claim 3, Rozenkranc teaches a shaving razor (figure 2) with a housing (2 figure 1) having a primary guard (6, and the area thereby, figure 1) a primary cap (5 figure 1) . Rosenkranc further teaches a primary razor blades located between the cap and guard. Rosenkranc further teaches a trimming blade (4 figure 1) mounted at the back of the housing (as seen in figure 1) , and having it's cutting edge oriented away from said upper surface (seen in figure 1). Rosenkranc further teaches an elongate handle (1 figure 2) having a curve at the first end concave on the same side as primary blades (figure 2, as reproduced for clarity below)

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Rozenkranc does not teach a bifurcated handle at said first end.

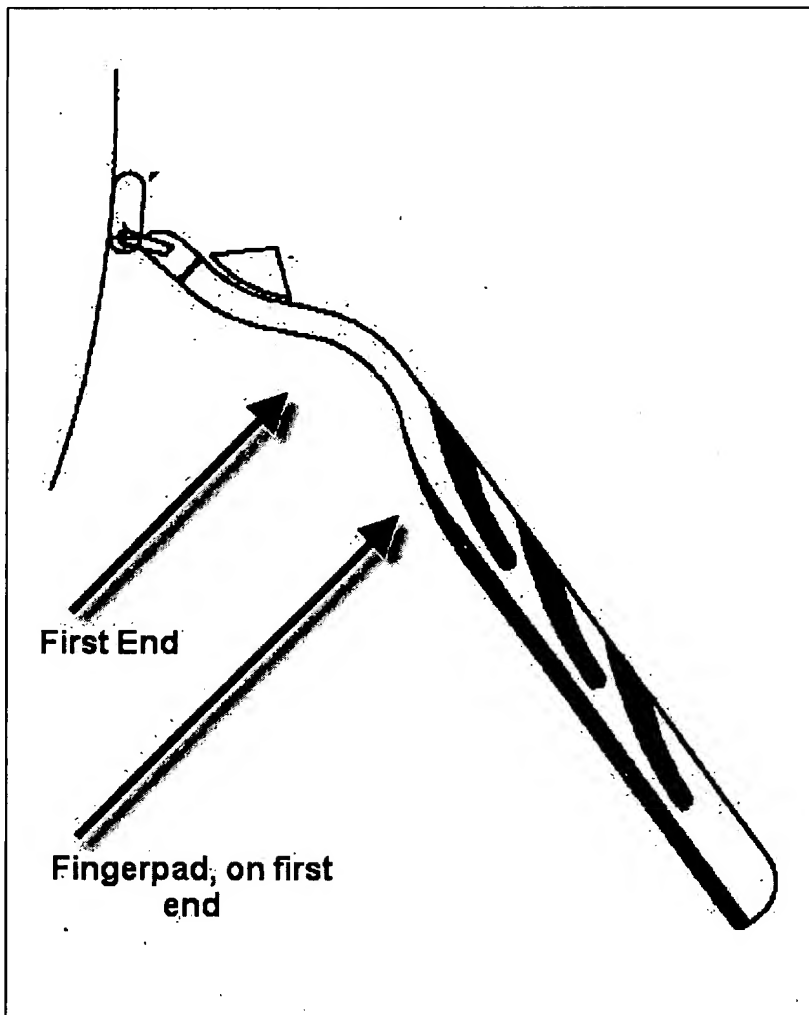
Gilder teaches a handle that is bifurcated such that there is a region between the two portions. **The first end of Gilder is the half of the handle seen to be closest to the blade cartridge (figure 5)**, the bifurcation of Gilder is seen to be 'adjacent' the first end. The bifurcation is joined at (within) the first end (See figures 2 and 5). Furthermore, at the termination point of the first end, the bifurcation is joined. The 'region' is enclosed by the two portions. The two portions are joined "at the first end" via each element 22

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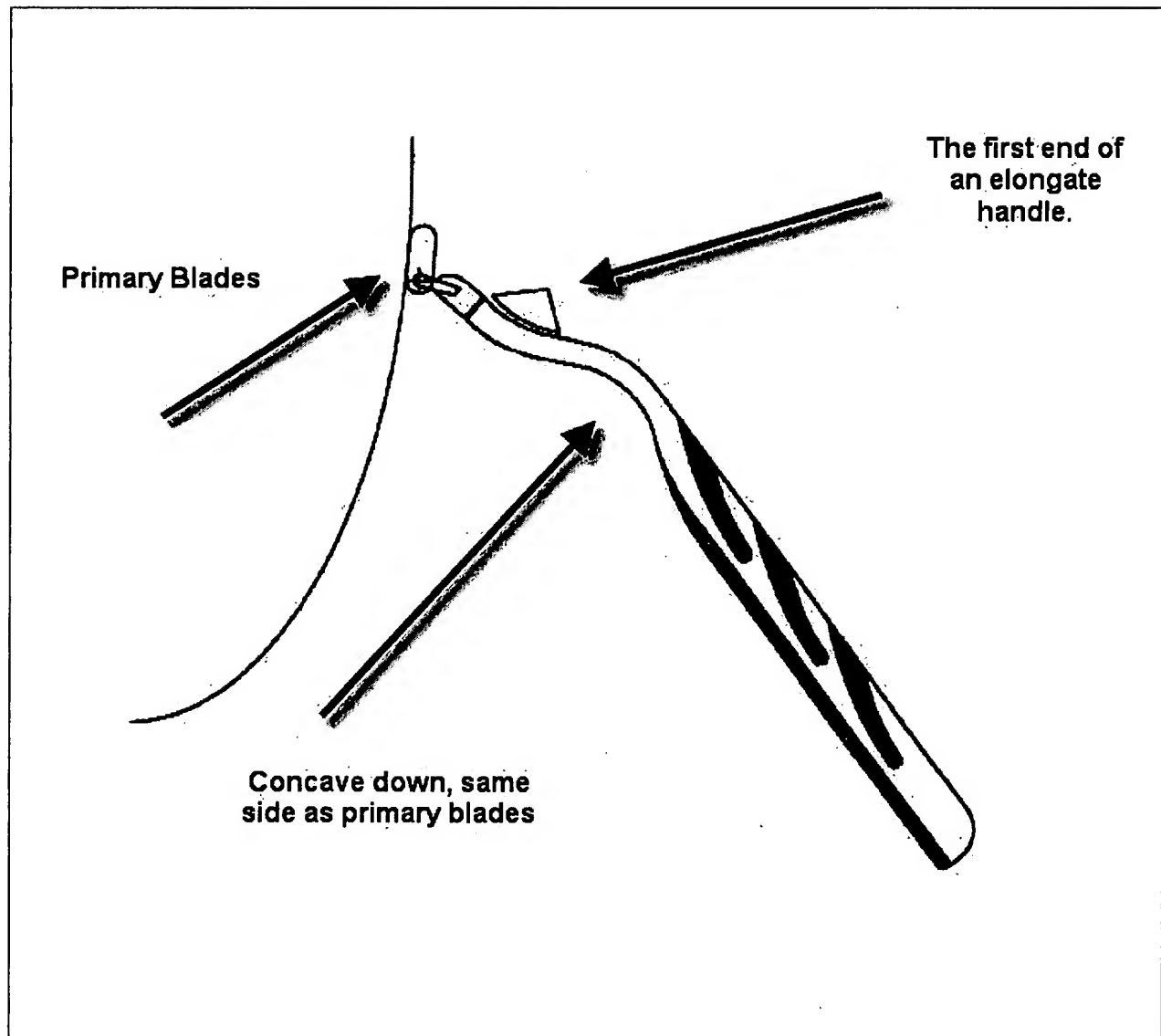
figure 2. The portions enclose a region regardless of the presence of a cartridge, as seen in figure 5, the two portions enclose a region (which means they set the boundary of a region). One viewing the two portions 26 alone would say that they enclose a region. This interpretation is consistent with the broadest reasonable interpretation standard.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by making the handle bifurcated as taught by Gilder, so the user could better view the shaving operation, or to allow a configuration "so as not to obstruct flow of rinsing water through the blade unit" (column 1 lines 37-38). The motivation to combine is that a bifurcated handle is easier to rinse.

Regarding claim 5, Rosenkranc further teaches a finger pad at said first end , on the same side as said primary blades (see figure below).



Regarding claims 6, 13/3 and 15 Rozenkranc teaches a shaving razor (figure 2) with a housing (2 figure 1) having a primary guard (6, and the area thereby, figure1) a primary cap (5 figure 1) . Rosenkranc further teaches a primary razor blades located between the cap and guard. Rosenkranc further teaches a trimming blade (4 figure 1) mounted at the back of the housing (as seen in figure 1) , and having its cutting edge oriented away from said upper surface (seen in figure 1). Rosenkranc further teaches an elongate handle (1 figure 2) having a curve at the first end concave on the same side as primary blades (figure 2, as reproduced for clarity below).



Rozenkranc does not teach a bifurcated handle at said first end.

Gilder teaches a handle that is bifurcated such that there is a region between the two portions.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by making the handle bifurcated as taught by Gilder, so the user could better view the shaving operation, or to allow a configuration "so as not to obstruct flow of rinsing water through the blade unit" (column

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1 lines 37-38). Since in the combination the bifurcation comes together opposite the cartridge at the first end of the handle it would be proximal to the finger pad. The motivation to combine is that a bifurcated handle is easier to rinse.

Regarding claim 9/3, Rozenkranc further teaches the use of three primary blades.

Regarding claim 12/3, Rozenkranc further teaches that the housing is pivotably connected to the handle by a connection that has an at rest stop position to prevent pivoting of said housing when said trimming blade is cutting hair (column 1 lines 63-67, continuing to column 2 line 1).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc (as applied to claim 2), or alternatively Rozenkranc in view of Gilder (as applied to claim 5).

Regarding claim 7, all the limitations of claims 2,4, or 5 have been met as discussed above, except Rozenkranc is silent as to whether or not said finger pad is made of "elastomeric material".

Examiner previously took official notice that the use of elastomeric material is well known in the art for use as a finger pad, for grip comfort and control **which was not challenged by applicant**. Having not been challenged the official notice has come to be considered as an admission on the record. It would have been obvious to one skilled in the art at the time of the invention to make the finger pad from an elastomeric material to make the grip comfortable and easy to control.

5. Claims 8/2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Bosy et al. (USPN 6,598,303).

Regarding claim 8/2, Rozenkranc does not disclose the handle having 'relieved surfaces'. Regarding claim 14, Rozenkranc may not disclose an oval finger pad.

Bosy et al. teaches an indent, or relieved portion, for providing access to finger gripping pad 24, figure 1 (column 2 lines 37-41 and column 3 lines 60-65). And a generally oval finger pad (24).

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by making the finger pad oval and indented as taught by Bosy et al, for added comfort. The motivation to combine is that having the finger pad be generally oval and indented (or have a relieved surface as seen in the figures) will be comfortable and allow access to the pad ("support multiple segments of an index finger").

6. Claims 8/5 and 8/6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Gilder as applied to claims 5 and 6 above, and further in view of Bosy et al. (USPN 6,598,303).

Regarding claim 8/5, Rozenkranc in view of Gilder does not disclose the handle having 'relieved surfaces'.

Bosy et al. teaches an indent, or relieved portion, for providing access to finger gripping pad 24, figure 1 (column 2 lines 37-41 and column 3 lines 60-65).

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In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc in view of Gilder by making the finger pad indented as taught by Bosy et al, for added comfort. The motivation to combine is that having the finger pad be indented (or have a relieved surface) will be comfortable and allow access to the pad ("support multiple segments of an index finger").

7. Claims 10/2, and 11/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc as applied to claims 1 or 2 above in view of "Platinum Mach 14".

Rozenkranc does not disclose 4 or 5 or more primary shaving blades.

"Platinum Mach 14" discloses a 14 bladed razor (see figure on page two) .

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by adding up to 14 primary blades as taught by "Platinum Mach 14". The motivation to use more blades, as stated in Coffin (USPGPUB 2003/0217469), is to "increase the shaving efficiency of the razor".

8. Claim 10/3 and 11/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Gilder as applied to claim 3 above, and further in view of "Platinum Mach 14".

Rozenkranc does not disclose 4 or 5 or more primary shaving blades.

"Platinum Mach 14" discloses a 14 bladed razor.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Rozenkranc by adding up to 14 primary blades as taught by "Platinum Mach 14". The motivation to use more blades, as stated in Coffin (USPGPUB 2003/0217469), is to "increase the shaving efficiency of the razor".

9. Claims 2, 3, 5-11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braginetz (US 3,934,338) in view of Shurtleff et al. (5,687,485) and Kohring et al. (US D446,884 S).

Braginetz teaches a razor having a housing (figure 1) having a primary guard (68 on the left of figure 3) a cap at an upper surface of said housing (10 figures 3 and 4) one or more primary blades therebetween (see figure 3; the blades to the left are the primary blades); a trimming blade (15 a on the right of figure 3) oriented away from the upper surface and an elongated handle having a first end secured to the housing (75 figure 5, or 76, 77 figure 3, or both).

Braginetz does not teach a finger pad at the first end.

Shurtleff and Kohring both teach a finger pad (30 figures 1 and 2 of Shurtleff, all figures of Kohring), which is clearly at a "first end" of the razor handle. Shurtleff discloses that 30 is a "finger rest" column 6 line 66. Shurtleff also discloses "women like to place a finger on upper surface 20 of the razor to bear down on shaving unit 34 while shaving". See also column 6 lines 22-28 describing the under curved portions (**the side that is on the same side as the primary shaving blades**) of the handle being alternative grips, stating "underside thumb support position 'D'" (see D figure 6). It

should be clarified that a Thumb is a finger, and the designation "thumb support" is the same as "finger support". The Disclosure as a whole supports this position, since numerous hand positions are described, and it clear that hand positioning is a matter of user choice. A support which is comfortable for a thumb is also comfortable for an index finger and given the numerous angles a user is attempting to shave, the user will change the positioning of a finger to best render comfort and control. The handle is also described as "comfortable" (column 2 line 53) and "ergonomic" (column 2 line 50). Shurtleff and Kohring both show that the handle is concave down on the same side as the blades (primary blades) especially in figures 4 and 6 of Shurtleff and figure 3 of Kohring. Shurtleff additionally discloses that the handle is relieved to allow access to the finger pad (column 6 lines 45 –50 dicloses a finger channel which inherently is relieved proximal to the finger pad 30, figure 1). Shurtleff also clearly shows a bifurcation at a first end (all figures) enclosing a region therebetween (figure 8, at least). The region between the bifurcation is provided to provide access to the finger pad *at least* in the embodiment shown in figure 8 and described in column 7 lines 7-10. The finger pad of Shurtleff is seen to be "generally oval" as the term is best understood by Examiner- see figure 2.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Braginetz by using a handle having a bifurcated end with a finger pad at the first end, with relieved surfaces thereon, and a region enclosed by the bifurcation which provides access to the finger pad, the finger pad being positioned where the two portions join at the first end and the fingerpad being

generally oval as taught by Shurtleff and Kohring. The motivation to combine is that the handle configuration as disclosed is comfortable and ergonomic.

Regarding claims 9-11, the recitation of additional blades is obvious, since it has been held that the mere duplication of the working parts of an invention to provide a magnified result is routine, common, not beyond the ordinary skill in the art, and capable of being accomplished by the skilled artisan. See St. Regis Paper Co. v. Bemis Co. Inc., 193 USPQ 8, 11 (7th Cir. 1977). Additionally, See DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co., 80 USPQ2d 1641 (Fed. Cir. 2006), which states that “the suggestion test is not a rigid categorical rule. The motivation **need not be found in the references sought to be combined**, but may be found in any number of sources, **including common knowledge**, the prior art as a whole, or **the nature of the problem itself**. *In re Dembiczak*, 175 F.3d 994, 999 [50 USPQ2d 1614] (Fed. Cir. 1999). As we explained in *Motorola, Inc. v. Interdigital Tech. Corp.*, 121 F.3d 1461, 1472 [43 USPQ2d 1481] (Fed. Cir. 1997), ‘there is no requirement that the prior art contain an express suggestion to combine known elements to achieve the claimed invention. Rather, the suggestion to combine may come from the prior art, as filtered through the knowledge of one skilled in the art.’ “ (emphasis added). The prior art as a whole renders obvious the addition of more blades, see for example the previously cited reference “Platinum Mach 14” which shows a 14 bladed razor. Additionally or In the alternative, the motivation to use more blades, as stated in Coffin (USPGPUB 2003/0217469), is to “increase the shaving efficiency of the razor”.

10. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braginetz (US 3,934,338) in view of Shurtleff et al. (5,687,485) and Kohring et al. (US D446,884 S) as applied to claims 2, 3, 5-11 and 13-15 above, and further in view of Rozenkranc (6,276,061) and Apprille Jr. et al. (US 5,787,586).

Braginetz (US 3,934,338) in view of Shurtleff et al. (5,687,485) and Kohring et al. (US D446,884 S) as applied to claims 2, 3, 5-11 and 13-15 above does not teach a pivotal connection with a rest stop.

Rozenkranc teaches a pivotal connection with a rest stop. (column 4 lines 64-67; also compare figures 2, 3 and 3a).

Apprille teaches a pivotal connection (all figures) between the housing and handle, and teaches that this is advantageous, since "housing 16 will pivot... and generally follow the contours of the user's face". This is desirable since it makes shaving easier.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Braginetz (US 3,934,338) in view of Shurtleff et al. (5,687,485) and Kohring et al. (US D446,884 S) as applied to claims 2, 3, 5-11 and 13-15 above by adding a pivotal connection between the handle and cartridge as taught by Apprille and Rozenkranc and to also provide a stop. The motivation to combine is that allowing pivotability will increase the ease of shaving generally (as taught by Apprille), and still allow for control while using the trimming blade (as taught by Rozenkranc).

Also in the alternative to the above rejection of claim 7, if the material of the fingerpad of Shurtleff is not determined to be "elastomeric", elastomeric finger pad material is disclosed by Apprille et al. (element 40; column 3 line 45-50).

It would have been obvious to make the fingerpad out of elastomeric material as taught by Apprille since it is comfortable.

Response to Arguments

Regarding Applicant's contention that the finger pad is not properly characterized as being located on the first end, examiner disagrees. The half of the handle which connects to the cartridge may be characterized as the first end, and the opposite half of the handle may be characterized as the second end.

Regarding Applicant's contention that the teachings of Gilder do not meet the limitations of the amended claims, Examiner disagrees. Examiner has set forth a point by point, valid interpretation of the prior art, which meets the limitations of the claim both original and as presently amended, and applicant has presented no evidence, persuasive or otherwise, that Examiner's position is faulty. Applicant's recitation "This is clearly not the case..." does nothing to clarify Applicant's position, nor does it refute Examiner's position, since it does not draw attention to any specific inaccuracies.

Regarding applicant's contention that the Patentability of claims 2 and 3 renders all dependent claims patentable, Examiner disagrees. Examiner has shown that claim 2 is anticipated, and that claim 3 is obvious in view of the prior art. Therefore the

argument that the dependent claims are patentable is moot, in view of the discussion of claims 2 and 3 above.

The standard of claim interpretation during prosecution is as follows: "claims in a pending application should be given their broadest reasonable interpretation" consistent with the specification and prior art. In re Pearson , 181 USPQ 641 (CCPA 1974). See additionally MPEP 904.01, and also In re Morris, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). It has been established that during examination, where applicant has the ability to amend claims, the standard of claim interpretation is that the broadest reasonable interpretation be given to all the terms of a claim, *absent a specific definition provided in the specification*, which would then control. Since applicant has not defined the term "end" the broadest reasonable definition is that 'end' means "up to one half. In the appeal brief that applicant has filed, applicant contends that "a football on the 45 yard line" [of a football field] "is not...at one end of the field" (page 3 of the appeal brief filed on 03/05/2007). **This is not correct, and is rebutted by at least the following definition:** "end", "the part of a sports field or court defended by one team or player" from the Compact Oxford English Dictionary and found online at http://www.askoxford.com/concise_oed/end?view=uk. There is additional support for referring to half of a razor handle as a first end, in the following definition: "end" "either half of a domino" from www.infoplease.com/dictionary/end, which indicates that when an object is small, half of the object may be referred to by the word 'end'. These definitions are the broadest reasonable definitions that are available to the examiner,

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and absent a clear and convincing line of reasoning why they are not applicable or an amendment clearly stating on the record applicant would like to use to control the claim interpretation these are the definitions that will be applied in the construction of the claims.

Request for Information

Applicant is hereby requested to submit information which is reasonably necessary to making patentability determinations in the case. If applicant does not sufficiently reply to the requests herein, they will be duplicated in a Requirement for Information under 37 CFR 1.105 in the following action.

The words "you", or "your" in the following questions refer to the Individuals including the inventors, the attorneys and any non-inventors who are connected with the design and production of the invention.

By "public" or "member of the public", I mean any person not subject to a confidentiality agreement to the assignees of the present application.

A. Please state whether you made a search of the prior art, and if so the date or dates such a search was performed, and what search methodology was used, what database or search engine was used, and include every term used in any text search, and please submit any records of these searches that you have access to.

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B. If any tests, focus groups , questionnaires, or other survey methodologies were conducted prior to March 11th 2003, with any member of the public, or in a public location, that relate to where a user desires to place any fingers (including thumb, index, middle, ring and pinkie fingers) during use of any shaving device, please submit any documentation of those tests, focus groups , questionnaires, or other surveys, or describe with specificity the objectives, procedures and results of those tests, focus groups, questionnaires, or other surveys.

C. Please submit any advertisements, works of art or literature, or instruction manuals known or available to you that show any prior art shaving implement showing a user's finger on a first end of the handle that was published or made public before 3/11/2003, including videos, radio or print advertisements or advertisements of any other form known to you. If materials of this nature are maintained by anyone other than you, a reasonable request to produce such documents should be made and a statement indicating what steps you took to acquire the requested references should be submitted.

D. Please describe with particularity any member of the public you have ever observed shaving, including the date and time, a general description of the parts of the body they were shaving, and every position on the handle and cartridge they touched with each of their thumb, index, middle, ring and pinkie fingers during the shaving you witnessed, including an affirmative statement of whether or not the observed member of the public used any finger to bear against:

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- a.) the first end of the handle on the same side as the primary blades;
- b.) the first end of the handle on the opposite side as the primary blades
- c.) the second end of the handle, or the end of the handle opposed to the first end on the same side as the primary blades;
- d.) the second end of the handle, or the end of the handle opposed to the first end on the opposite side as the primary blades

E. Please submit any prior art documents, models, exhibits, data or media of any kind used by you in the design of the present invention, and where available the date each document, model, exhibit, data or media of any kind became available and it's source.

F. Please submit any prior art documents, models, exhibits, data or media of any kind used by you in the drafting of the present application, and where available the date each document, model, exhibit, data or media of any kind became available and it's source.

G. Please state whether you attempted, through design of the alleged invention or drafting of the present application, to avoid or design around any reference that could be used as prior art, and if so state with particularity which references were used in this manner.

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Please note that amendments to the claims and specification will not obviate the need to reply to this request fully and with particularity.

Please submit your responses to these questions with the response to the office action.


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.




KENNETH E. PETERSON
PRIMARY EXAMINER